



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2005 REGULAR SESSION

HOUSE BILL NO. 133

AS ENACTED

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to transportation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 281A IS CREATED TO
READ AS FOLLOWS:

(1) An applicant for a school bus endorsement shall satisfy the following requirements:

(a) Qualify for a passenger vehicle endorsement by passing the knowledge and skills test for obtaining a passenger vehicle endorsement;

(b) Demonstrate knowledge of loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and safety devices required for school buses by state or federal law or regulation;

(c) Demonstrate knowledge of emergency exits and procedures for safely evacuating passengers in an emergency; and

(d) Demonstrate knowledge of state and federal laws and regulations related to safely traversing highway rail grade crossings.

(2) An applicant for a school bus endorsement shall take a driving skills test in a school bus of the same vehicle group as the school bus the applicant will drive.

(3) Prior to October 1, 2005, the driving skills test required for an applicant for a school bus endorsement may be waived by the cabinet for an applicant who:

(a) Is currently licensed;

(b) Has experience driving a school bus;

(c) Has a good driving record;

(d) Certifies and has state verification that, during the two (2) year period immediately prior to applying for a school bus endorsement, the applicant:

1. Held a valid commercial driver's license with a passenger vehicle endorsement to operate a school bus representative of the group of bus

- 1 the applicant will be driving;
- 2 2. Has not had his or her operator's license or commercial driver's
- 3 license suspended, revoked, or canceled, or been disqualified from
- 4 operating a commercial motor vehicle;
- 5 3. Has not been convicted of any of the disqualifying offenses in 49
- 6 C.F.R. sec. 383.51(b) while operating a commercial motor vehicle, or
- 7 of any offense in a noncommercial vehicle that would be disqualifying
- 8 under 49 C.F.R. sec. 383.51(b) if committed in a commercial motor
- 9 vehicle;
- 10 4. Has not had more than one (1) conviction of any of the serious traffic
- 11 violations defined in 49 C.F.R. sec. 383.5 while operating any type of
- 12 motor vehicle;
- 13 5. Has not had any conviction for a violation of state or local law
- 14 relating to motor vehicle traffic control, other than a parking
- 15 violation, arising in connection with a traffic accident;
- 16 6. Has not been convicted of any motor vehicle traffic violation that
- 17 resulted in an accident; and
- 18 7. Has been regularly employed as a school bus driver, has operated a
- 19 school bus representative of the group the applicant seeks to drive, and
- 20 provides evidence of such employment.

21 (4) On and after October 1, 2005, all applicants for a school bus endorsement shall
 22 be required to take a driving skills test.

23 Section 2. KRS 186.018 is amended to read as follows:

- 24 (1) For purposes of maintaining driving history records of operators of motor vehicles
 25 of the Commonwealth, the files of the Transportation Cabinet shall be used to
 26 ascertain the driving history record of each person who is licensed to operate a
 27 motor vehicle within the Commonwealth. Except as provided in subsection (2) of

1 this section, the Transportation Cabinet shall destroy, and shall not maintain,
 2 records of moving traffic convictions that are more than five (5) years old.
 3 Notwithstanding, for any licensee who now holds, who has applied for, or has ever
 4 held a Class A, B, or C license issued pursuant to KRS 281A.170, the cabinet shall
 5 keep conviction records indefinitely.

- 6 (2) The Transportation Cabinet shall not release information on the driving history
 7 record of a person under the age of twenty-one (21) whose operator license has been
 8 suspended pursuant to KRS 189A.010(6). The cabinet shall destroy, and shall not
 9 maintain, the record of the suspension of a person's operator's license if the license
 10 was suspended pursuant to KRS 189A.010(6), within five (5) working days of the
 11 person's operator's license being reinstated. **This subsection shall not apply to a**
 12 **person who holds, or is required to hold, a commercial driver's license.**

- 13 (3) The cabinet shall charge a fee of three dollars (\$3) for any driving history record,
 14 ten cents (\$0.10) of which shall be deposited in a special account within the road
 15 fund to be used exclusively by the Transportation Cabinet for the state driver
 16 education program as designated in KRS 186.535.

17 Section 3. KRS 186.570 is amended to read as follows:

- 18 (1) The cabinet or its agent designated in writing for that purpose may deny any person
 19 an operator's license or may suspend the operator's license of any person, or, in the
 20 case of a nonresident, withdraw the privilege of operating a motor vehicle in this
 21 state, subject to a hearing and with or without receiving a record of conviction of
 22 that person of a crime, if the cabinet has reason to believe that:

- 23 (a) That person has committed any offenses for the conviction of which
 24 mandatory revocation of a license is provided by KRS 186.560.
 25 (b) That person has, by reckless or unlawful operation of a motor vehicle, caused,
 26 or contributed to an accident resulting in death or injury or serious property
 27 damage.

- 1 (c) That person has a mental or physical disability that makes it unsafe for him to
2 drive upon the highways. The Transportation Cabinet shall, by administrative
3 regulations promulgated pursuant to KRS Chapter 13A, establish a medical
4 review board to provide technical assistance in the review of the driving
5 ability of these persons. The board shall consist of licensed medical and
6 rehabilitation specialists.
- 7 (d) That person is an habitually reckless or negligent driver of a motor vehicle or
8 has committed a serious violation of the motor vehicle laws.
- 9 (e) That person has been issued a license without making proper application for
10 it, as provided in KRS 186.412 and administrative regulations promulgated
11 pursuant to KRS Chapter 13A.
- 12 (f) That person has presented false or misleading information as to the person's
13 residency, citizenship, religious convictions, or immigration status.
- 14 (g) A person required by KRS 186.480 to take an examination has been issued a
15 license without first having passed the examination.
- 16 (h) That person has been convicted of assault and battery resulting from the
17 operation of a motor vehicle.
- 18 (i) That person has failed to appear pursuant to a citation or summons issued by a
19 law enforcement officer of this Commonwealth or any other jurisdiction.
- 20 (j) That person has failed to appear pursuant to an order by the court to produce
21 proof of security required by KRS 304.39-010 and a receipt showing that a
22 premium for a minimum policy period of six (6) months has been paid.
- 23 (2) The cabinet shall deny any person a license or shall suspend the license of an
24 operator of a motor vehicle upon receiving written notification from the Cabinet for
25 Families and Children that the person has a child support arrearage which equals or
26 exceeds the cumulative amount which would be owed after one (1) year of
27 nonpayment or failure, after receiving appropriate notice, to comply with a

1 subpoena or warrant relating to paternity or child support proceedings, as provided
2 by 42 U.S.C. secs. 651 et seq.; except that any child support arrearage which exists
3 prior to January 1, 1994, shall not be included in the calculation to determine
4 whether the license of an operator of a motor vehicle shall be denied or suspended.
5 The denial or suspension shall continue until the arrearage has been eliminated,
6 payments on the child support arrearage are being made in accordance with a court
7 or administrative order, or the person complies with the subpoena or warrant
8 relating to paternity or child support. Before the license may be reinstated, proof of
9 elimination of the child support arrearage or proof of compliance with the subpoena
10 or warrant relating to paternity or child support proceedings as provided by 42
11 U.S.C. sec. 666(a)(16) from the court where the action is pending or the Cabinet for
12 Families and Children shall be received by the Transportation Cabinet as prescribed
13 by administrative regulations promulgated by the Cabinet for Families and Children
14 and the Transportation Cabinet.

15 (3) The cabinet or its agent designated in writing for that purpose shall deny any person
16 an operator's license or shall suspend the operator's license of any person, or, in the
17 case of a nonresident, withdraw the privilege of operating a motor vehicle in this
18 state, where the person has been declared ineligible to operate a motor vehicle under
19 KRS 532.356 for the duration of the ineligibility, upon notification of the court's
20 judgment.

21 (4) The cabinet or its agent designated in writing for that purpose shall provide any
22 person subject to the suspension, revocation, or withdrawal of their driving
23 privileges, under provisions of this section, an informal hearing. Upon determining
24 that the action is warranted, the cabinet shall notify the person in writing by mailing
25 the notice to the person by first-class mail to the last known address of the person.
26 The hearing shall be automatically waived if not requested within twenty (20) days
27 after the cabinet mails the notice. The hearing shall be scheduled as early as

1 practical within twenty (20) days after receipt of the request at a time and place
 2 designated by the cabinet. An aggrieved party may appeal a decision rendered as a
 3 result of an informal hearing, and upon appeal an administrative hearing shall be
 4 conducted in accordance with KRS Chapter 13B.

5 (5) (a) The cabinet may suspend the operator's license of any resident upon receiving
 6 notice of the conviction of that person in another state of an offense
 7 there which, if committed in this state, would be grounds for the
 8 suspension or revocation of an operator's license. The cabinet shall not
 9 suspend an operator's license under this paragraph if:

- 10 1. The conviction causing the suspension or revocation is more than five
 11 (5) years old;
- 12 2. The conviction is for a traffic offense other than a felony traffic offense
 13 or a habitual violator offense; and
- 14 3. The license holder complies with the provisions of KRS 186.442.

15 (b) If, at the time of application for an initial Kentucky operator's license, a
 16 person's license is suspended or revoked in another state for a conviction that
 17 is less than five (5) years old, the cabinet shall deny the person a license until
 18 the person resolves the matter in the other state and complies with the
 19 provisions of this chapter.

20 (c) The cabinet may, upon receiving a record of the conviction in this state of a
 21 nonresident driver of a motor vehicle of any offense under the motor vehicle
 22 laws, forward a notice of that person's conviction to the proper officer in the
 23 state of which the convicted person is a resident.

24 (d) This subsection shall not apply to a commercial driver's license.

25 (6) The Transportation Cabinet is forbidden from suspending or revoking an operator's
 26 license or assessing points or any other form of penalty against the license holder
 27 for speeding violations or speeding convictions from other states. This subsection

1 shall apply only to speeding violations. This section shall not apply to a person who
 2 holds, or is required to hold, commercial driver's license.

3 (7) Each operator's license which has been canceled, suspended, or revoked shall be
 4 surrendered to and retained by the cabinet. At the end of the period of cancellation,
 5 suspension, or revocation, the license may be returned to the licensee after he has
 6 complied with all requirements for the issuance or reinstatement of his driving
 7 privilege.

8 (8) Insurance companies issuing motor vehicle policies in the Commonwealth shall be
 9 prohibited from raising a policyholder's rates solely because the policyholder's
 10 driving privilege has been suspended or denied pursuant to subsection (2) of this
 11 section.

12 Section 4. KRS 186.574 is amended to read as follows:

13 (1) The Transportation Cabinet shall establish a state traffic school for new drivers and
 14 for traffic offenders. The school shall be composed of uniform education and
 15 training elements designed to create a lasting influence on new drivers and a
 16 corrective influence on traffic offenders. District Courts may in lieu of assessing
 17 penalties for traffic offenses, other than for KRS 189A.010, sentence offenders to
 18 state traffic school and no other. The Transportation Cabinet shall enroll a person in
 19 state traffic school who fails to complete a driver's education course pursuant to
 20 KRS 186.410(5).

21 (2) If a District Court stipulates in its judgment of conviction that a person attend state
 22 traffic school, the court shall indicate this in the space provided on the abstract of
 23 conviction filed with the Transportation Cabinet. Upon receipt of an abstract, the
 24 Transportation Cabinet, or its representative, shall schedule the person to attend
 25 state traffic school. Failure of the person to attend and satisfactorily complete state
 26 traffic school in compliance with the court order, may be punished as contempt of
 27 the sentencing court. The Transportation Cabinet shall not assess points against a

person who satisfactorily completes state traffic school. However, if the person referred to state traffic school holds or is required to hold a commercial driver's license, the underlying offense shall appear on the person's driving history record.

(3) The Transportation Cabinet shall supervise, operate, and administer state traffic school, and shall promulgate administrative regulations pursuant to KRS Chapter 13A governing facilities, equipment, courses of instruction, instructors, and records of the program. In the event a person sentenced under subsection (1) of this section does not attend or satisfactorily complete state traffic school, the Transportation Cabinet may deny that person a license or suspend the license of that person until he reschedules attendance or completes state traffic school, at which time a denial or suspension shall be rescinded.

(4) Persons participating in the state traffic school as provided in this section shall pay a fee of fifteen dollars (\$15) to defray the cost of operating the school, except that if enrollment in state traffic school is to satisfy the requirement of KRS 186.410(4)(c), a fee shall not be assessed. Any funds collected pursuant to KRS 186.535(1) that are dedicated to the road fund for use in the state driver education program may be used for the purposes of state traffic school.

(5) The following procedures shall govern persons attending state traffic school pursuant to this section:

(a) A person convicted of any violation of traffic codes set forth in KRS Chapters 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of the trial judge, be sentenced to attend state traffic school. Upon payment of the fee required by subsection (4) of this section, and upon successful completion of state traffic school, the sentence to state traffic school shall be the person's penalty in lieu of any other penalty, except for the payment of court costs;

(b) Except as provided in KRS 189.990(27), a person shall not be eligible to

1 attend state traffic school who has been cited for a violation of KRS Chapters
 2 177, 186, or 189 that has a penalty of mandatory revocation or suspension of
 3 an offender's driver's license;

4 (c) Except as provided in KRS 189.990(27), a person shall not be eligible to
 5 attend state traffic school for any violation if, at the time of the violation, the
 6 person did not have a valid driver's license or the person's driver's license was
 7 suspended or revoked by the cabinet;

8 (d) Except as provided in KRS 189.990(27), a person shall not be eligible to
 9 attend state traffic school more than once in any one (1) year period, unless
 10 the person wants to attend state traffic school to comply with the driver
 11 education requirements of KRS 186.410; and

12 (e) The cabinet shall notify the sentencing court regarding any person who was
 13 sentenced to attend state traffic school who was ineligible to attend state
 14 traffic school. A court notified by the cabinet pursuant to this paragraph shall
 15 return the person's case to an active calendar for a hearing on the matter. The
 16 court shall issue a summons for the person to appear and the person shall
 17 demonstrate to the court why an alternative sentence should not be imposed.

18 Section 5. KRS 281A.010 is amended to read as follows:

19 (1) "Alcohol" means:

20 (a) Beer, ale, port, or stout and other similar fermented beverages, including sake
 21 or similar products, of any name or description containing one-half of one
 22 percentum (0.5%) or more of alcohol by volume, brewed or produced from
 23 malt, wholly or in part, or from any substitute therefor;

24 (b) Wine of not less than one-half of one percentum (0.5%) of alcohol by volume;
 25 or

26 (c) Distilled spirits, which means that substance known as ethyl alcohol, ethanol,
 27 or spirits of wine in any form, including all dilutions and mixtures thereof

- 1 from whatever source or by whatever process produced; or
- 2 (d) Any substance containing ethyl alcohol, hydrated oxide of ethyl, spirit of
- 3 wine, or any distilled spirits including, but not limited to, ethanol, methanol,
- 4 propanol, and isopropanol.
- 5 (2) "Alcohol concentration" means:
- 6 (a) The number of grams of alcohol per one hundred (100) milliliters of blood;
- 7 (b) The number of grams of alcohol per two hundred ten (210) liters of breath; or
- 8 (c) The number of grams of alcohol per sixty-seven (67) milliliters of urine.
- 9 (3) "Cabinet" means the Transportation Cabinet of the Commonwealth of Kentucky.
- 10 (4) "Commerce" means:
- 11 (a) Any trade, traffic, or transportation within the jurisdiction of the United States
- 12 between a place in a state and a place outside of the state, including a place
- 13 outside of the United States; and
- 14 (b) Trade, traffic, and transportation in the United States that affects any trade,
- 15 traffic, and transportation described in paragraph (a) of this subsection.
- 16 (5) "Commercial driver's license," or CDL, means a license issued to an individual in
- 17 accordance with the requirements of this chapter or, if the license is issued by
- 18 another state in accordance with the Federal Commercial Motor Vehicle Safety Act,
- 19 to an individual that authorizes the individual to drive any class of commercial
- 20 motor vehicle.
- 21 (6) "Commercial driver's license information system" or CDLIS means the national
- 22 information system established to serve as a clearinghouse for locating information
- 23 related to the licensing and identification of commercial motor vehicle drivers.
- 24 (7) "Commercial driver's instruction permit" means a permit issued pursuant to KRS
- 25 281A.120.
- 26 (8) "Commercial motor vehicle," or CMV, means a motor vehicle or combination
- 27 motor vehicle used in commerce that is:

- 1 (a) Designed to carry property and has a gross vehicle weight rating as determined
 2 by federal regulation which has been adopted into cabinet administrative
 3 regulations pursuant to KRS Chapter 13A;
- 4 (b) Designed to transport sixteen (16) or more passengers, including the driver;
- 5 (c) Transporting hazardous materials and is required to be placarded in
 6 accordance with Title 49, Code of Federal Regulations, Part 172; or
- 7 (d) Any other vehicle that is required by cabinet administrative regulation,
 8 pursuant to KRS Chapter 13A, to be operated by a licensed commercial
 9 driver.
- 10 (9) "Controlled substance" means any substance so classified under Section 102(6) of
 11 the Controlled Substances Act, 21 U.S.C. sec. 802(6), and includes all substances
 12 listed on Schedules I through V, of Title 21, Code of Federal Regulations, Part
 13 1308, as adopted by the Transportation Cabinet by administrative regulation
 14 pursuant to KRS Chapter 13A. It shall also include those substances defined or
 15 listed in KRS Chapter 218A.
- 16 (10) "Conviction" means an unvacated adjudication of guilt, or a determination that a
 17 person has violated or failed to comply with the law in a court of original
 18 jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail
 19 or collateral deposited to secure the person's appearance in court, a plea of guilty or
 20 Alford plea entered and accepted by the court, the payment of a fine or court cost,
 21 or violation of a condition of release without bail, regardless of whether or not the
 22 penalty is rebated, suspended, or probated.
- 23 (11) "Disqualification" means any of the following actions:
- 24 (a) The suspension, revocation, or cancellation of a CDL by the
 25 Commonwealth or the jurisdiction of issuance;
- 26 (b) Any withdrawal of a person's privilege to drive a commercial motor vehicle
 27 by the Commonwealth or another jurisdiction as a result of a violation of

1 state or local law relating to motor vehicle traffic control, other than
 2 parking, vehicle weight, or vehicle defect violations; or

3 (c) A determination by the Federal Motor Carrier Safety Administration that a
 4 person is not qualified to operate a commercial motor vehicle under 49
 5 C.F.R. pt. 391~~[a withdrawal, cancellation, suspension, or revocation of the~~
 6 ~~privilege to drive a commercial motor vehicle].~~

7 (12) "Drive" means to drive, operate, or be in physical control of a motor vehicle.

8 (13) "Driver" means any person who drives, operates, or is in physical control of a
 9 commercial motor vehicle, or who is required to hold a commercial driver's license.

10 (14) "Driver's license" means a license issued by a state to an individual that authorizes
 11 the individual to drive a motor vehicle.

12 (15) "Employee" means any operator of a commercial motor vehicle, including full-time,
 13 regularly employed drivers; casual, intermittent, or occasional drivers; leased
 14 drivers and independent, owner-operator contractors while in the course of
 15 operating a commercial motor vehicle who are either directly employed by, under
 16 lease to, or operating in a manner indicating employment to an employer.

17 (16) "Employer" means any person, including the United States, a state, or a political
 18 subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a
 19 person to drive a commercial motor vehicle.

20 (17) "Felony" means any offense under state or federal law that is punishable by death or
 21 imprisonment for a term exceeding~~[at least]~~ one (1) year~~[in a correctional facility]~~.

22 (18) "Gross combination weight rating," or GCWR, is the gross vehicle weight rating of
 23 power unit plus the gross vehicle weight rating of any towed unit. In the absence of
 24 a value specified by the manufacturer, GCWR shall be determined by adding the
 25 gross vehicle weight rating of the power unit and the total weight of the towed
 26 unit and load therein.

27 (19) "Gross vehicle weight rating," or GVWR, means the value specified by the

1 manufacturer as the maximum loaded weight of a single, a combination or an
2 articulated vehicle.

3 (20) "Hazardous materials" means the definition found in Section 103 of the Hazardous
4 Materials Transportation ~~Law~~[Act], 49 U.S.C. sec. 5101~~[secs. 1801]~~ et seq.

5 (21) "Highway" shall include any way or place of any nature when any part of it is open
6 to the use of the public as a matter of right, license, or privilege for the use of
7 vehicular traffic.

8 (22) "Imminent hazard" means a condition that presents a substantial likelihood that
9 death, serious illness, severe personal injury, or a danger to health, property, or
10 the environment exists.

11 (23) "Moped" shall have the same meaning as in KRS 186.010(5).

12 (24)~~[(23)]~~ "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer
13 propelled or drawn by mechanical power used on highways, or any other vehicle
14 required to be registered under the laws of this state, but shall not include any
15 vehicle, machine, tractor, trailer, or semitrailers operated exclusively on a rail.

16 (25)~~[(24)]~~ "NDR" means the national driver register.

17 (26)~~[(25)]~~ "Out-of-service order" means a declaration by an authorized enforcement
18 officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver,
19 commercial motor vehicle, or a motor carrier operation is out of service pursuant
20 to 49 C.F.R. sec. 386.72, 392.5, 395.13, or 396.9; comparable laws or regulations;
21 or the North American Uniform Out-of-Service Criteria~~[temporary prohibition~~
22 ~~against driving a commercial motor vehicle].~~

23 (27)~~[(26)]~~ "Resident" means a person who has established Kentucky as his or her state of
24 domicile. Proof of residency shall include but not be limited to a deed or property
25 tax bill, utility agreement or utility bill, or rental housing agreement.

26 (28)~~[(27)]~~ "School bus" means a vehicle that meets the specification of KRS 156.153
27 used to transport preprimary, primary, or secondary school students between

1 *school and home, or to and from school-sponsored events. A school bus shall not*
 2 *include a bus used as a common carrier*~~[and is designed to transport sixteen (16)~~
 3 ~~or more passengers including the driver].~~

4 ~~(29)[(28)]~~ "Serious traffic violation" means a conviction when operating a commercial
 5 motor vehicle of:

- 6 (a) Excessive speeding, involving a single charge of any speed fifteen (15) miles
 7 per hour or more, above the specified speed limit;
- 8 (b) Reckless driving, as defined under state or local law, including conviction of
 9 driving a commercial motor vehicle in willful or wanton disregard for the
 10 safety of persons or property;
- 11 (c) Improper or erratic traffic lane changes;
- 12 (d) Following the vehicle ahead too closely;
- 13 (e) A violation of any state or local law related to motor vehicle traffic control,
 14 other than a parking violation, arising in connection with a fatal accident; or
- 15 (f) *Driving a commercial motor vehicle without a CDL;*
- 16 (g) *Driving a commercial motor vehicle without a CDL in one's possession or*
 17 *refusing to display a CDL upon request;*
- 18 (h) *Driving a commercial motor vehicle without the proper class of CDL or*
 19 *endorsements, or both, for the specific vehicle type or types being operated*
 20 *or for the passengers or type or types of cargo being transported; or*
- 21 (i) Any conviction of an offense that requires mandatory suspension under KRS
 22 186.560 or a serious violation as defined by Title 49 of the Code of Federal
 23 Regulations Part 383 or as amended by the Federal Highway Administration.

24 ~~(30)[(29)]~~ "State" means a state of the United States and the District of Columbia.

25 ~~(31)[(30)]~~ "State police" means the Department of State Police of the Commonwealth of
 26 Kentucky.

27 Section 6. KRS 281A.140 is amended to read as follows:

1 (1) The application for a commercial driver's license or commercial driver's instruction
2 permit shall include the following information:

3 (a) The full legal name, including nicknames, and present Kentucky resident
4 address of the applicant. If the applicant's mailing address is different from the
5 resident address, the mailing address shall also be included. If the applicant is
6 not a resident, the application shall include the person's resident address in the
7 person's state of domicile and the address of the Kentucky driver training
8 school where the applicant is currently enrolled;

9 (b) A physical description of the applicant including sex, height, weight, eye
10 color, and race;

11 (c) The applicant's date of birth;

12 (d) The applicant's Social Security number;

13 (e) The applicant's signature;

14 (f) Certifications including those required by Title 49, Code of Federal
15 Regulations, sec. ~~[Part]~~ 383.71, 383.73, and 384.206, ~~[paragraph (a)]~~ as
16 adopted by the cabinet;

17 (g) A consent to release driving record information;

18 (h) A valid Class D operator's license issued pursuant to KRS 186.412;

19 (i) A birth certificate if the applicant does not hold a valid operator's license at
20 the time of application;

21 (j) *The name of every jurisdiction in which* ~~[A statement that]~~ the applicant has
22 previously been licensed *to drive any type of motor vehicle during the ten*
23 *(10) year period immediately preceding the date of the application* ~~[as an~~
24 ~~operator in another state, if applicable]; and~~

25 (k) Any other information required by the cabinet.

26 (2) The cabinet or state police may require any other information needed in order to
27 process the application.

- 1 (3) When the holder of a commercial driver's license changes his or her name or
2 residence, the information shall be reported to the cabinet within ten (10) days. The
3 holder of a Class A, B, or C license shall make an application for a duplicate license
4 within thirty (30) days of changing his name or address.
- 5 (4) Any person whose commercial driver's license has been legitimately lost or
6 destroyed shall make an application for a duplicate:
- 7 (a) A person applying for the first duplicate within the time period for which the
8 original license was issued, shall apply in the office of the circuit clerk in the
9 county where the person resides. The person shall provide the clerk with proof
10 of the person's identity and a notarized affidavit with a raised seal explaining
11 in detail the loss or destruction of the original license.
- 12 (b) A person applying for a second or subsequent duplicate within the time period
13 for which the original license was issued, shall apply to the Transportation
14 Cabinet in Frankfort or a Transportation Cabinet field office. The person shall
15 provide the cabinet with proof of the person's identity and a notarized affidavit
16 with a raised seal explaining in detail the loss or destruction of the previous
17 duplicate issued. The Transportation Cabinet shall, within thirty (30) days of
18 receipt of the application, review the person's proof of identity and affidavit
19 and determine if the person will be issued a duplicate.
- 20 (5) A person who is a resident of this state shall not drive a commercial motor vehicle
21 under the authority of a commercial driver's license issued by another jurisdiction.
- 22 (6) Any person who knowingly falsifies information or certifications required to obtain
23 a commercial driver's license, a commercial driver's license permit, or a duplicate
24 commercial driver's license subsequent to an administrative hearing conducted in
25 accordance with KRS 186.570, shall be subject to suspension, revocation, or
26 cancellation of his commercial driver's license for a period of at least sixty (60)
27 consecutive days.

1 Section 7. KRS 281A.170 is amended to read as follows:

2 (1) The commercial driver's license shall be marked "commercial driver's license" and
3 "CDL" and shall be, to the maximum extent practicable, tamper proof. It shall
4 include but is not limited to the following information:

5 (a) The name and present resident address of the licensee;

6 (b) The licensee's color photograph;

7 (c) A physical description of the licensee including sex, height, weight, and eye
8 color;

9 (d) The licensee's date of birth;

10 (e) The licensee's signature;

11 (f) The class or type of commercial motor vehicle or vehicles that the person is
12 authorized to drive together with any endorsements or restrictions;

13 (g) The name of this state;

14 (h) The dates between which the license is valid; and

15 (i) Any other information required by the cabinet, except for a person's Social
16 Security number.

17 (2) A commercial driver's license shall be issued with classifications, endorsements,
18 and restrictions. Vehicles that require an endorsement shall not be driven unless the
19 proper endorsement appears on the license and the applicant has passed the
20 knowledge and skills test required by the State Police.

21 (a) Classifications:

22 1. Class A - Any combination of vehicles with a gross vehicle weight
23 rating of twenty-six thousand and one (26,001) pounds or more, if the
24 gross vehicle weight rating of the vehicle being towed is in excess of ten
25 thousand (10,000) pounds. Licensees with an "A" classification may
26 with the proper endorsement drive Class B and C vehicles.

27 2. Class B - Any single vehicle with a gross vehicle weight rating of

1 twenty-six thousand and one (26,001) pounds or more, and any vehicle
 2 towing a vehicle not in excess of ten thousand (10,000) pounds.
 3 Licensees with a "B" classification may with the proper endorsements
 4 drive Class C vehicles.

- 5 3. Class C - Any single vehicle with a gross weight rating of less than
 6 twenty-six thousand and one (26,001) pounds or any vehicle towing a
 7 vehicle with a gross vehicle weight rating not in excess of ten thousand
 8 (10,000) pounds which includes:

- 9 a. Vehicles designed to transport sixteen (16) or more passengers,
 10 including the driver; or
 11 b. Vehicles used in the transportation of hazardous materials which
 12 requires the vehicle to be placarded under Title 49, Code of
 13 Federal Regulations, Part 172, sub-part F, as adopted by
 14 administrative regulations of the cabinet, pursuant to KRS Chapter
 15 13A.

- 16 4. Class D - All other vehicles not listed in any other class.

- 17 5. Class E - Moped only.

- 18 6. Class M - Motorcycles. Licensees with a "M" classification may also
 19 drive Class E vehicles.

20 (b) Endorsements:

- 21 1. "H" - Authorizes the driver to operate a vehicle transporting hazardous
 22 materials.
 23 2. "T" - Authorizes operation of double trailers and triple trailers in those
 24 jurisdictions allowing the operation of triple trailers.
 25 3. "P" - Authorizes operation of vehicles carrying passengers.
 26 4. "N" - Authorizes operation of tank vehicles.
 27 5. "X" - Authorizes operation of combination of hazardous materials and

1 tank vehicle endorsements.

- 2 6. "R" - Authorizes operation of all other endorsements not otherwise
3 specified.

4 7. "S" - Authorizes operation of school buses.

5 (c) Restrictions:

- 6 1. "K" - Restricts the driver to operation of vehicles not equipped with
7 airbrakes.
- 8 2. "I" - Restricts the driver to Kentucky intrastate commerce driving.
- 9 3. "S" - Restricts the driver to school buses, church buses, buses operated
10 by a mass transit authority created under the provisions of KRS Chapter
11 96A, buses operated under a nonprofit bus certificate established
12 pursuant to KRS 281.619, and fixed route buses operated by a public
13 entity pursuant to the provisions of KRS Chapter 281.
- 14 4. "L" - Shall not include a Class "A" bus.
- 15 5. "J" - Shall not include a Class "A" or "B" bus.
- 16 6. "O" - Shall not include tractor, semitrailer style vehicles.
- 17 7. "Z" - Exempt intracity zones for commercial vehicles.
- 18 8. "0-9"~~["1-13"]~~ - Other restrictions.
- 19 9. "A"~~["14"]~~ - Restricts the driver to operation of vehicles equipped with
20 an automatic transmission because the person conducted the required
21 skills test in a commercial vehicle equipped with an automatic
22 transmission. A person wanting to remove this restriction in order to
23 operate a vehicle with a manual transmission shall be required to
24 successfully complete a skills test while operating a commercial vehicle
25 equipped with a manual transmission.

- 26 (3) Within ten (10) days after issuing a commercial driver's license, the cabinet shall
27 notify the commercial driver's license information system of that fact, providing all

1 information required to ensure identification of the person.

2 (4) A commercial driver's license issued to a resident pursuant to this chapter shall
3 expire in four (4) years unless the license was issued to a resident under the age of
4 twenty-one (21). A commercial driver's license issued to a person who is not a
5 resident shall be issued for one (1) year and shall not be renewable. The fee for a
6 commercial driver's license issued to a nonresident shall be the same as the fee
7 charged to a resident.

8 (5) A person under the age of twenty-one (21) shall not be licensed to operate a Class
9 A, B, or C vehicle unless he has an "I" restriction. A commercial driver with an "I"
10 restriction shall not drive a commercial motor vehicle in interstate commerce,
11 unless he is exempt pursuant to 49 C.F.R. 391.2. A commercial driver under the age
12 of twenty-one (21) shall not be allowed to operate a school bus or a vehicle
13 transporting hazardous material in intrastate commerce.

14 (6) The holder of a commercial driver's license shall be considered to hold a valid
15 Kentucky driver's license issued under the provisions of KRS 186.412.

16 Section 8. KRS 281A.190 is amended to read as follows:

17 (1) A person who holds or is required to hold a CDL shall be disqualified from driving
18 a commercial motor vehicle for a period of one (1) year if convicted of:

19 (a) Driving or being in physical control of a ~~commercial~~ motor vehicle under
20 the influence of alcohol or a controlled substance;

21 (b) Driving or being in physical control of a ~~commercial~~ motor vehicle while
22 the alcohol concentration of the person's blood or breath or urine is four
23 hundredths (0.04) or more;

24 (c) Leaving the scene of an accident involving a ~~commercial~~ motor vehicle
25 driven by a ~~the~~ person who holds or is required to hold a CDL;

26 (d) Using a ~~commercial~~ motor vehicle in the commission of any felony listed in
27 KRS 186.560; ~~or~~

(e) Refusing to submit to testing as required by KRS 281A.220 when driving a motor vehicle;

(f) Committing a first violation of driving a commercial motor vehicle while the person's commercial driver's license is revoked, suspended, or canceled, or when the person is disqualified from operating a commercial motor vehicle; or

(g) Causing a fatality through negligent or criminal operation of a commercial motor vehicle.

(2) A person who holds or is required to hold a CDL shall be disqualified for life if convicted of two (2) or more violations of any of the offenses specified in subsection (1) of this section or any combination of those offenses, arising from two (2) or more separate incidents. The provisions of this subsection shall only apply to convictions that occurred after the disqualification dates established by the Federal Motor Carrier Safety~~Highway~~ Administration. The Transportation Cabinet shall set forth those dates in an administrative regulation promulgated pursuant to KRS Chapter 13A.

(3) If any violation specified in subsection (1) of this section occurred while transporting a hazardous material required to be placarded, the person who holds or is required to hold a CDL shall be disqualified for a period of three (3) years.

(4) Notwithstanding any other provisions of law, a period of suspension, revocation, or disqualification imposed under the provisions of this chapter shall not be reduced. However, in accordance with the provisions of Title 49, Code of Federal Regulations, Part 383, the cabinet may establish guidelines including conditions under which a disqualification of not less than ten (10) years may be imposed.

(5) A person who holds or is required to hold a CDL shall be disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of

1 a controlled substance, or possession with intent to manufacture, distribute, or
2 dispense a controlled substance.

3 (6) A person who holds or is required to hold a CDL shall be disqualified from driving
4 a commercial motor vehicle for a period of sixty (60) days if convicted of two (2)
5 serious traffic violations, or one hundred twenty (120) days if convicted of three (3)
6 serious traffic violations, committed in a commercial motor vehicle arising from
7 separate incidents occurring within a three (3) year period.

8 (7) A person who holds or is required to hold a CDL shall be disqualified for the first
9 offense from driving a commercial motor vehicle for six (6) months if the person
10 has been convicted of committing any of those offenses enumerated in KRS
11 186.610 involving a commercial motor vehicle, commercial driver's license, or
12 application for that license. For the second and each subsequent offense, the person
13 shall be disqualified from operating a commercial motor vehicle for a period of one
14 (1) year.

15 (8) The cabinet shall deny a person a commercial driver's license or shall suspend,
16 revoke, or cancel his commercial driving privilege, subject to a hearing conducted
17 in accordance with KRS 189A.107~~[186.570]~~, when the cabinet has reason to believe
18 that the person refused to submit to a test to determine his alcohol concentration
19 while driving a commercial motor vehicle.

20 (9) If a person who holds or is required to hold a CDL is convicted of any of the
21 railroad crossing offenses or conduct enumerated in KRS 189.500, 189.560, and
22 189.565, then the person shall be disqualified from operating a commercial motor
23 vehicle for a period of:

24 (a) Sixty (60) days for the first offense;

25 (b) One hundred twenty (120) days for the second offense within a three (3)
26 year period; and

27 (c) One (1) year for the third or subsequent offense within a three (3) year

1 period.

2 (10) If a person who holds or is required to hold a CDL violates an out-of-service
 3 order while transporting nonhazardous materials, then the person shall be
 4 disqualified from operating a commercial motor vehicle for a period of:

5 (a) Ninety (90) days for the first offense;

6 (b) One (1) year for the second offense in a separate incident within a ten (10)
 7 year period; and

8 (c) Three (3) years for the third or subsequent offense in a separate incident
 9 within a ten (10) year period.

10 (11) If a person who holds or is required to hold a CDL violates an out-of-service
 11 order while transporting hazardous materials required to be placarded under the
 12 49 U.S.C. sec. 5101 et seq., or operating a commercial motor vehicle designed to
 13 transport sixteen (16) or more passengers, including the driver, then the person
 14 shall be disqualified from operating a commercial motor vehicle for a period of:

15 (a) One hundred eighty (180) days for the first offense; and

16 (b) Three (3) years for the second or subsequent offense in a separate incident
 17 within a ten (10) year period.

18 (12) After ~~disqualifying a commercial driver's license holder or~~ suspending, revoking,
 19 or canceling a commercial driver's license, the Transportation Cabinet shall update
 20 its records to reflect that action ~~within ten (10) days of receipt~~[forthwith]. After
 21 ~~disqualifying a commercial driver's license holder or suspending, revoking, or~~
 22 ~~canceled an out-of-state commercial driver's license holder's privilege to operate~~
 23 ~~a commercial motor vehicle for at least sixty (60) days~~[determining that the
 24 ~~commercial driver's privilege should be suspended, revoked, or canceled], the~~
 25 Transportation Cabinet shall notify the licensing authority of the state which issued
 26 the commercial driver's license or commercial driver's instruction permit with this
 27 information within ten (10) days. ~~The notification shall include both the~~

disqualification and the violation that resulted in the disqualification, suspension, cancellation, or revocation.

(13) Upon notice from the Federal Motor Carrier Safety Administration that a driver has been determined to be an imminent hazard and has been disqualified from operating a commercial motor vehicle, the cabinet shall act in accordance with the provisions of 49 C.F.R. sec. 383.52. The cabinet shall notify the driver of the disqualification, which shall not exceed one (1) year in duration, and of the right to appeal to the Federal Motor Carrier Safety Administration in accordance with 49 C.F.R. sec. 383.52.

Section 9. KRS 189.540 is amended to read as follows:

- (1) The Kentucky Board of Education shall promulgate administrative regulations to govern the design and operation of all Kentucky school buses and to govern the operation of district-owned passenger vehicles transporting students under KRS 156.153(2). The board shall, with the advice and aid of the Kentucky State Police and the Transportation Cabinet, enforce the administrative regulations governing the operation of all school buses whether owned by a school district or privately contracted and all district-owned passenger vehicles transporting students under KRS 156.153(2). The regulations covering the operation shall by reference be made a part of any contract with a school district. Every school district and private contractor referred to under this subsection shall be subject to those regulations.
- (2) Any employee of any school district who violates any of the administrative regulations in any contract executed on behalf of a school district shall be subject to removal from office. Any person operating a school bus under contract with a school district who fails to comply with any of the administrative regulations shall be guilty of breach of contract and the contract shall be canceled after proper notice and a hearing by the responsible officers of such school district.
- (3) Any person who operates a school bus shall be required to possess a commercial

1 driver's license issued pursuant to KRS 281A.170 with a school bus endorsement
2 as described in Section 1 of this Act.

3 Section 10. KRS 174.405 is amended to read as follows:

4 As used in KRS 174.400 to 174.425:

5 (1) "Carrier" means a person engaged in the commercial transportation of passengers or
6 property, except for pipelines and railways, by:

7 (a) Land, as a common, contract, or private carrier; or

8 (b) Civil aircraft.

9 (2) "Hazardous material" means a substance designated hazardous by the Federal
10 Hazardous Materials Transportation Law[~~Act~~] (49 U.S.C. sec. 5101[~~secs. 1801~~] et
11 seq.) and regulations issued pursuant thereto, including but not limited to hazardous
12 and radioactive waste, but shall not include agricultural wastes, coal mining wastes,
13 utility waste (fly ash, bottom ash, scrubber sludge), sludge from water treatment and
14 sewage treatment facilities, cement kiln dust, gas and oil drilling muds, oil
15 production brines or waste oil.

16 (3) "Hazardous waste" means a substance or material defined as hazardous waste by
17 KRS Chapter 224 and regulations issued pursuant thereto.

18 (4) "Radioactive material" means any material or combination of material, which
19 spontaneously emits ionizing radiation. Materials in which the estimated specific
20 activity is not greater than 0.002 microcuries per gram of material, and in which the
21 radioactivity is essentially uniformly distributed, are not considered to be
22 radioactive materials.

23 (5) "Radioactive waste" means any waste substance or combination of substances, in
24 any form which because of its radioactive material content may create a threat to
25 public health or to animal, plant, and aquatic life forms.

26 (6) "Vehicle" means any device or contrivance for carrying or conveying persons,
27 property, or substances, including conveyance by highways or by airway.

1 Section 11. KRS 411.450 is amended to read as follows:

2 As used in KRS 411.460 and 411.470 unless the context indicates otherwise:

3 (1) "Discharge or disposal" means the discharge, deposit, injection, dumping, spilling,
4 leaking or placing of any hazardous materials into or on any land or water so that
5 such materials or any constituent thereof may enter the environment or be
6 discharged into any waters, including ground waters.

7 (2) "Hazardous material" means a substance or material in a quantity and form which
8 may pose an unreasonable risk to health and safety or property when transported
9 and which has been designated as a hazardous material under the Federal Hazardous
10 Materials Transportation Law~~[Act]~~ (49 U.S.C. sec. 5101~~[secs. 1801]~~ et seq.) or by
11 any state law or regulation.

12 (3) "Person" means any individual, trust, firm, joint stock company, corporation
13 (including a government corporation), partnership, association, federal agency, state
14 agency, city, commission, political subdivision of the Commonwealth, or any
15 interstate body.

16 Section 12. KRS 281.755 is amended to read as follows:

17 (1) The commissioner and representatives of the Department of State Police may at any
18 time or place make an inspection of any motor vehicle operating under the
19 provisions of this chapter. They may enter into and upon any such motor vehicle for
20 the purpose of ascertaining whether or not any provision of this chapter or any order
21 or rule or regulation of the department relating to such motor vehicles has been
22 violated. Willful refusal to stop any such motor vehicle, when ordered to do so by
23 any representative of the department, or to permit the representative to enter into or
24 upon the motor vehicle for the purpose of inspection, shall be sufficient ground for
25 the revocation or suspension of the certificate or permit of the motor carrier.

26 (2) In the event that a peace officer orders a commercial motor vehicle to be taken to
27 a storage or impoundment facility as a result of a violation which requires the

vehicle to be moved, the driver of the commercial motor vehicle shall be granted the ability to drive the commercial motor vehicle to the storage or impoundment facility. If the driver elects to drive to the storage or impoundment facility, a peace officer shall escort the vehicle to the facility. This subsection shall not apply if the commercial motor vehicle is required to be impounded as a result of a violation of KRS 281A.210, an out-of-service order as defined in subsection (26) of Section 5 of this Act, or a serious traffic violation as defined in subsection (29) of Section 5 of this Act.

SECTION 13. A NEW SECTION OF KRS CHAPTER 277 IS CREATED TO READ AS FOLLOWS:

(1) A person shall not knowingly drop or throw any object at, onto, or in the path of any railroad rail or track, locomotive, engine, railroad car, or other vehicle of a railroad company when it is on a railroad track.

(2) An unauthorized person shall not climb upon or into any locomotive, railroad car, or other vehicle of a railroad company when it is on a railroad track.

(3) An unauthorized person shall not disrupt, delay, or prevent the operation of any train or other vehicle of a railroad company when it is on a railroad track.

(4) A person shall not knowingly deface, damage, obstruct, remove, or otherwise impair the operation of any railroad grade crossing warning signal or other protective device, including but not limited to any gate, bell, light, cross buck, stop sign, yield sign, advance warning sign, or advance pavement marking.

(5) Except as provided in subsection (6) of this section, a person who violates any of the provisions of this section shall be guilty of a Class A misdemeanor.

(6) (a) If a violation of this section causes damage to property in excess of one thousand dollars (\$1,000) or creates a substantial risk of serious physical injury to a person, as defined in KRS 500.080, the violator shall be guilty of a Class D felony.

1 **(b) If a violation of this section causes physical injury to a person, as defined in**
 2 **KRS 500.080, the violator shall be guilty of a Class C felony.**

3 **(c) If a violation of this section causes serious physical injury to a person, as**
 4 **defined in KRS 500.080, the violator shall be guilty of a Class B felony.**

5 Section 14. KRS 277.350 is amended to read as follows:

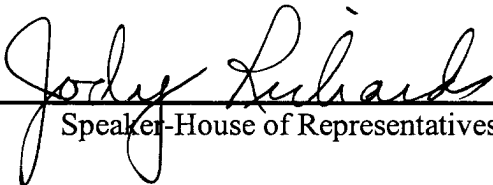
6 (1) It shall be unlawful for any person without the consent of the railroad:

7 (a) To go upon the track, property, or right-of-way of a railroad, other than to pass
 8 over the track, property, or right-of-way at a public or private crossing; or


9 (b) To willfully ride, drive, or lead any animal or otherwise contrive for any
 10 animal to go over the track, property, or right-of-way at a public or private
 11 crossing.

12 (2) The provisions of this section shall not apply to any section of railroad track that has
 13 been legally abandoned and is not being used for railroad purposes.

14 (3) Any person violating this section shall be guilty of criminal trespass in the
 15 ~~second~~[third] degree[and shall be subject to a maximum fine of twenty five dollars
 16 (\$25) for the first violation, a maximum fine of fifty dollars (\$50) for the second
 17 violation, and a maximum fine of one hundred dollars (\$100) for the third and any
 18 subsequent violation].



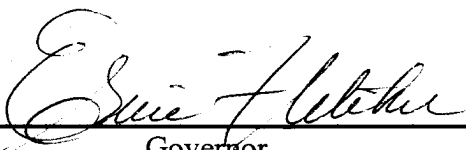
Speaker-House of Representatives



President of the Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 